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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/859,665

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Robert Cosmo Di Luccio

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/859,665

Applicant(s)

LUCCIO ET AL.

Examiner

C. Lynne Anderson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8-20, 22-29, 31-34, 36-42, 44-48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29, 31, 46-48 and 50 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-12, 14-20, 23-26, 32, 34, 36, 41 and 44 is/are rejected.
- 7) ☒ Claim(s) 13, 22 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see the Appeal Brief, filed 25 August 2005, with respect to the rejection(s) of claim(s) 1-4, 6, 8-12, 14, 32-34, 36-41, and 44 under 102(e) over Blaney have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hamilton, as remanded in the BPAI Decision dated 23 May 2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 8-20, 23-26, 32-34, 36-42, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton et al. (6,562,192).

With respect to claims 1 and 2, Hamilton discloses a method comprising treating a portion of an absorbent article with a treatment chemistry. The treatment chemistry comprises chitosan, as disclosed in column 25, lines 25-42, which is a water-soluble gelling agent which crosslinks protein. The absorbent article is then contacted with menses, as disclosed in column 7, lines 44-48. The absorbent article comprises a cover sheet 36, a backsheet 26, and an absorbent core 38, as shown in figure 2.

With respect to claim 3, the treatment chemistry is in the form of particles, as disclosed in column 25, lines 39-40.

With respect to claim 4, the treatment chemistry is uniformly dispersed within a portion of the interior of the article, as disclosed in column 30, lines 55-57.

With respect to claim 6, the treatment chemistry is dispersed within the entire absorbent core 38, and therefore is dispersed along the peripheral region of the core.

With respect to claims 8-9 and 13, the cover sheet 36 comprises a nonwoven web material comprising a plurality of polymeric fibers, and the treatment chemistry is disposed within the nonwoven web, as disclosed in column 30, lines 63-64.

With respect to claim 10, the treatment chemistry is dispersed within the core 38 to form a gradient, as disclosed in column 30, lines 55-57.

With respect to claim 11, the treatment chemistry comprises a water-soluble gelling agent, as disclosed in column 25, lines 39-40, and a superabsorbent, as disclosed in column 29, lines 54-55.

With respect to claim 12, the article comprises a nonwoven web that is airlaid, as disclosed in column 30, line 6.

With respect to claim 14, the nonwoven web comprises multiple plies, as disclosed in column 30, line 3, and therefore comprises a laminate.

With respect to claim 15, Hamilton discloses a method comprising forming a tampon including a nonwoven web material and dispersing within the nonwoven nits comprising a treatment chemistry, as disclosed in column 47, lines 33-40, and contacting the treatment chemistry with menses, as disclosed in column 7, lines 44-48.

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The treatment chemistry comprises chitosan, as disclosed in column 25, lines 25-42, which is a water-soluble gelling agent which crosslinks protein.

With respect to claim 16, the treatment chemistry is in the form of particles, as disclosed in column 25, lines 39-40.

With respect to claim 17, the treatment chemistry is uniformly dispersed within a portion of the interior of the nonwoven, as disclosed in column 30, lines 55-57.

With respect to claim 18, the tampon comprises a plurality of nonwoven material layers, as disclosed in column 47, lines 36-40.

With respect to claim 19, the treatment chemistry is not dispersed on the nonwoven coverstock material, as disclosed in column 47, lines 36-40.

With respect to claim 20, the treatment chemistry is dispersed non-homogeneously, as disclosed in column 30, lines 55-57.

With respect to claim 23, the nonwoven web material is airlaid, as disclosed in column 47, lines 36-40.

With respect to claim 24, the treatment chemistry comprises a water-soluble gelling agent, as disclosed in column 25, lines 39-40, and a superabsorbent, as disclosed in column 29, lines 54-55.

With respect to claims 25-26, the treatment chemistry is a polyglycan water-soluble gelling agent, chitosan.

With respect to claims 32 and 34, Hamilton discloses an absorbent article comprising a cover sheet 36, a backsheet 26, and an absorbent core 38. The cover sheet 36 comprises a nonwoven material and encloses a treatment chemistry, as

disclosed in column 30, lines 63-64. The treatment chemistry comprises chitosan, as disclosed in column 25, lines 25-42, which is a water-soluble gelling agent which crosslinks protein.

With respect to claim 35, superabsorbent material is disposed within the nonwoven material, as disclosed in column column 29, lines 54-55.

With respect to claims 36 and 37, the article comprises a nonwoven web of polymeric fibers that is airlaid, as disclosed in column 30, lines 6 and 19.

With respect to claim 38, the nonwoven material further comprises layer 24, as shown in figure 2.

With respect to claim 39, the treatment material is dispersed only within layer 38.

With respect to claim 40, the treatment chemistry is dispersed non-homogeneously, as disclosed in column 30, lines 55-57.

With respect to claims 41-42, the treatment chemistry is applied to the core 38, which contacts the surface of the nonwoven material 36, as shown in figure 2, and therefore is disposed on a surface of at least some of the fibers of the nonwoven material.

With respect to claim 44, the treatment chemistry is applied uniformly through the core, as disclosed in column 30, lines 55-57, and therefore is applied to opposed edges, ends, and the center region.

Allowable Subject Matter

Claims 27-29, 31, 46-48, and 50 are allowed.

Claims 13, 22, and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MA

cla

September 24, 2007

A handwritten signature in black ink, appearing to read 'Tatyana Zalukaeva', with a large, stylized flourish at the end.

**TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER**